IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 3058 of 2006

CHAIRMAN,NAGAR PALIKA,RAJGARH & ANR.
V/S
LAL CHAND & ANR.

Mr. DILIP MULCHANDANI, for the appellant / petitioner

Date of Order : 6.8.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order dated 30.7.2004 right to file written-statement was closed and the case was fixed for plaintiff's evidence on 27.8.2004. Challenging that order the writ petition has been filed as late as on 18.7.2005 only, and thereafter only notices have been issued to show cause vide order dated 6.7.2006 i.e. practically after one year. In my view, it is reasonable to assume that during all this long period of time, the suit must have registered material progress, and it would not be expedient in the interest of justice to interfere with the impugned order in my writ jurisdiction. The writ petition is, therefore, dismissed summarily. However, it is made clear that it will be open to the petitioner to assail the correctness, legality, or propriety of the impugned order by setting forth appropriate ground in appeal, if necessity so arises, and if the petitioner so stands advised.

(N P GUPTA),J.

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